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LEGISLATIVE PROPOSALS

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INTRODUCTION

The 1990 legislative recommendations reflect the Board of Education's continuing commitment to improve the public schools of Massachusetts by addressing the educational goals and academic achievement of at-risk youth, particularly in urban districts. The legislation is crafted to assist school districts serving at-risk youth by providing funds to transport homeless students to school and to reduce an imbalance of minority students; expanding incentives to provide special education in the least restrictive environment; expanding services to parents of young children, particularly teenage parents; strengthening literacy programs which afford support for poor, undereducated, and underemployed adults; and investigating the value of changing the use of the school year in order to accommodate the special needs of students deficient in the basic skills.

LEGISLATIVE PROPOSALS 1990

H.121, An Act Assisting Cities And Towns In Meeting The Costs Of Special Education Placements For Certain Children, would provide financial assistance to local school districts for special education costs. The department's current policy of assigning the last known residence of the parents of "abandoned children" as the community of responsibility for these children's special education costs may be unfair to that community. The Board has expressed a strong interest in having the commonwealth assume the financial burden of these children. Additionally, Board policy supports having the commonwealth make a direct payment to private residential schools for its 60% share of the cost of such private school placements.

(Full text on page 5)

H.122, An Act Establishing An Incentive Grant Program To Expand Integrative Educational Opportunities For Students With Special Needs, would establish an incentive program to school districts to provide special education in the least restrictive environment, and incorporates into statute the funding provision currently attending substantially separate public school programs as well as private day or residential programs.

(Full text on page 7)

H.123, An Act Providing For The Reimbursement Of Expenses Incurred Transporting Certain Students, would permit 100% reimbursement by the commonwealth of the cost of transporting pupils for the purpose of reducing or eliminating an imbalance of minority students. The proposed legislation would also provide school districts with 100% state reimbursement for the costs of transporting students back to their school or the school of the parents' choice when students are placed temporarily in emergency shelters for the homeless outside of their school districts.

(Full text on page 9)

H.124, An Act To Establish An Early Childhood Family Education Outreach Program, would establish a program to award grants to school districts to establish comprehensive early childhood family education outreach programs. Programs would provide services to parents of young children aged birth through

eight, and would be targeted toward parents of children at risk and teenage and other expectant parents. The programs would be designed to strengthen the family unit and to promote positive parent-child relationships. Priority would be given to proposals which demonstrate linkages with local, state, and federal resources such as community mental health, adult education, dropout prevention, Head Start, and comprehensive health education programs.

(Full text on page 11)

H.125, An Act To Strengthen Workforce Literacy, would provide for the development over the next three to five years of a comprehensive delivery system for adult basic education and adult English as a second language services that would ensure better employment opportunities for those in need. The legislation reaffirms the Board's priorities for adult literacy, reflects consensus across the field, and provides a unifying programmatic structure for the delivery of adult literacy services in Massachusetts.

(Full text on page 13)

H.126, An Act Requiring Grandfathered English As A Second Language (ESL) Teachers To Meet Current Certification Requirements, is targeted toward linguistic minority students who are in need of specialized education services. In 1982, the Board set up ESL certification standards which required specialized training in ESL. At this time, teachers who had been teaching ESL before 1982 were "grandfathered" in, or allowed to continue teaching ESL without meeting the new ESL certification requirements. This bill would help such teachers to receive additional training in ESL in order to obtain the current ESL certificate by providing a mechanism for them to be reimbursed by the commonwealth for their educational expenses.

(Full text on page 15)

H.127, An Act To Investigate Using Extended School Year Pilot Programs For At-Risk Students, proposes pilot projects to extend the length of the school year in select elementary schools serving high numbers of students deficient in basic skills. The primary purposes of the pilot are to increase student academic achievement, reduce absentee rates, establish educational continuity throughout the school year, and provide the opportunity for teachers to increase their salaries. The state would provide grants to districts for planning, teacher salaries, and transportation costs.

(Full text on page 17)

H.128, An Act Extending Certain Discretionary Grants Over Two Years, would allow school districts to use state discretionary grants over a two-year period for the purpose of planning and establishing summer school remedial programs. Currently all funds must be expended in one year. In many instances, a one-year grant period does not allow sufficient planning and program operation time for districts even with the best fiscal management. The carry-over would be permitted for discretionary grants, aiming to address the needs of districts with significant numbers of at-risk youths. *(Full text on page 19)*

H.129, An Act Clarifying The Special Education Appeals Process, would bring the special education appeals system in compliance with federal law as it pertains to the appellate role of the State Advisory Commission for Special Education (SAC). The United States Department of Education has determined that the appellate authority exercised by the SAC is inconsistent with federal law. This bill would remove the administrative review function from the SAC, thus eliminating the inconsistency. *(Full text on page 20)*

H.130, An Act Allowing The Employment Of Regionally Certified Teachers, is designed to make the reciprocal certification system among the states in the Northeast Region more efficient and useful to educators and school systems in the New England states and New York. Under the terms of the compact a teacher certified by any one state could apply also for a regional certificate which would be valid immediately for two years in any of the states in the compact. *(Full text on page 21)*

H.131, An Act Providing For The Entry Of The Commonwealth Into An Interstate Compact For Pension Portability For Educators, would allow public school teachers and administrators to transfer the money accrued in their pension plans when they move in or out of the state, provided the other state involved has a reciprocal agreement. Under the terms of this proposed act, a teacher could change jobs and change retirement systems without forfeiture of benefits. *(Full text on page 23)*



IN THE YEAR ONE THOUSAND NINE HUNDRED
AND NINETY

AN ACT ASSISTING CITIES AND TOWNS IN
MEETING THE COSTS OF SPECIAL EDUCATION
PLACEMENTS FOR CERTAIN CHILDREN

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

H.121

SECTION 1. Chapter 71B of the General Laws, as appearing in the nineteen hundred eighty-six Official Edition is hereby amended by striking section 5A and inserting in place thereof the following section:-

Section 5A. Whenever a school age child with special needs is determined by a school committee or the bureau of special education appeals to be in need of a special education program at a residential school pursuant to the procedures set forth in regulations promulgated by the department, the commonwealth and school committee shall be jointly obligated to pay the cost of the program. The school committee shall pay forty per cent of the total cost of the residential program rate established by the rate setting commission, and the commonwealth shall pay sixty per cent of the total cost of the residential program. The commonwealth's obligation under this paragraph shall become due and payable, after approval and verification provided in accordance with department standards, to the residential school within sixty days of receipt of a request for payment from said school.

When a school age child with special needs residing in the commonwealth has no father or mother or guardian living in the

commonwealth who can be found after reasonable efforts to do so, the department will assign a school committee to provide a special education program for that child. If such child is determined by the school committee or the bureau of special education appeals to be in need of a special education program at a day or residential school, pursuant to the procedures set forth in the regulations promulgated by the department, the commonwealth shall be obligated to pay the cost of the day or residential program at the rate established by the rate setting commission under sections thirty-one to forty-six, inclusive, of chapter 6A. The commonwealth's obligation under this paragraph shall become due only after approval and verification by the department that all costs incurred herein are reasonable and are for special education programs at day or residential schools provided in accordance with the standards and requirements prescribed by the regulations promulgated under this chapter.

In undertaking such verification as may be required under this section, the commission may require submission of any institution.

SECTION 2. Nothing contained in this act shall affect the obligation of any agency of the commonwealth to pay for a placement in a day or residential program made prior to the effective date of this act. Any agreement between any agency of the commonwealth and a school committee, whether formal or informal, governing payment for services to a special needs child shall continue in full force and shall not be superseded by this act. The provisions of this act shall not affect the obligation of any human services agency of the commonwealth to provide services to children, aged three to twenty-two, inclusive, under any provision of law in effect prior to the effective date of this act.

SECTION 3. This act shall take effect on July first, nineteen hundred and ninety.



IN THE YEAR ONE THOUSAND NINE HUNDRED
AND NINETY

**AN ACT ESTABLISHING AN INCENTIVE GRANT
PROGRAM TO EXPAND INTEGRATIVE
EDUCATIONAL OPPORTUNITIES FOR STUDENTS
WITH SPECIAL NEEDS**

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

H.122

SECTION 1. Chapter 71B of the General Laws, as appearing in the nineteen hundred eighty-six Official Edition, is hereby amended by inserting after section eleven the following section:-

Section 1 1A. There is hereby established a discretionary grant program to be called the incentive grant program to expand integrative educational opportunities for students with special needs. Subject to appropriation, the Board of Education annually may award grants to school committees and to educational collaboratives for the purpose of funding planning costs and start-up programs which provide children with special needs greater opportunities to receive their education with children without special needs. In awarding such grants, the Board shall fund programs developed for children currently attending substantially separate public school, private day or residential programs pursuant to chapter 71B. Criteria for the approval of such grant proposals shall be established in guidelines adopted by the Board. Such criteria shall include, but not be limited to, integration of children who have special needs with their chronologically age appropriate peers in regular education and

building accessibility. If a public school building is not fully accessible, a grant may be awarded if the school committee has filed an application with the school building assistance bureau for school renovations or construction which provides physical accessibility, or if the school committee presents a written plan identifying the barriers to access and a timetable for making the building accessible. Funds awarded under the incentive grant program may be used for program planning, salaries of special education teachers, administrative or other staff, training of personnel, adaptive equipment or such other purposes as may be determined by the Board as necessary to permit such special education programs to begin operation.

The department shall provide technical assistance to school committees and educational collaboratives in grant development and program implementation and shall collect, disseminate and publicize information regarding model programs. The department shall ensure that programs funded under this section are evaluated to determine the degree to which students placed in such programs actually participate with children without special needs.



IN THE YEAR ONE THOUSAND NINE HUNDRED
AND NINETY

**AN ACT PROVIDING FOR THE
REIMBURSEMENT OF EXPENSES INCURRED
TRANSPORTING CERTAIN STUDENTS**

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

H.123

SECTION 1. The fourth paragraph of section 11 of chapter fifteen of the General Laws, as appearing in the nineteen hundred eighty-six Official Edition, is hereby amended by adding at the end of the paragraph the following sentence:-

The commonwealth shall, subject to appropriation and upon the approval of the Board, pay to a city, town, or regional district school committee one hundred per cent of the cost of transportation for the purpose of reducing or eliminating an imbalance of minority students, as defined in regulations promulgated under the federal Emergency School Aid Act, Title VII of Public Law 92-318, as amended.

SECTION 2. Chapter seventy-six of the General Laws, as appearing in the nineteen hundred eighty-six Official Edition, is hereby amended by inserting after section seven the following section:-

Section 7A. The commonwealth shall, subject to appropriation, pay to a city, town or regional school district one hundred per cent of the cost of transportation of students temporarily

placed in shelters for the homeless not more than twice daily between any school within the town, or in another town and such temporary shelter; provided however that no reimbursement for transporting a pupil between school and a temporary shelter for the homeless shall be made if the distance between the school and said shelter is less than one and one-half miles, measured by a commonly traveled route. Notwithstanding the provisions of any special or general law reimbursement under this section is limited to the costs incurred for the transportation of pupils temporarily placed in shelters for the homeless located in a city or town other than the city or town such students resided in prior to their placement in a shelter.

For the purpose of this section shelter for the homeless includes transitional housing, battered women's shelters, family shelters, adolescent shelters, hotels and motels.



IN THE YEAR ONE THOUSAND NINE HUNDRED
AND NINETY

**AN ACT ESTABLISHING AN EARLY
CHILDHOOD FAMILY EDUCATION OUTREACH
PROGRAM**

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

H.124

SECTION 1. Chapter fifteen of the General Laws, as appearing in the nineteen hundred eighty-six Official Edition, is hereby amended by inserting after section fifty-four the following section:-

Section 54A. There is hereby established an Early Childhood Family Education Outreach Grant Program. The Board of Education may, subject to appropriation, annually award grants to school committees and to educational collaboratives for the purpose of developing comprehensive early childhood family education outreach programs which would provide outreach services to teenage parents and parents of young children, from birth through eight years, particularly those in jeopardy of being at-risk. The Early Childhood Family Education Outreach Grant Program shall encourage and support the development of programs that provide an opportunity for substantial parental participation in learning activities with their children as well as in program planning, decision making, and implementation.

The purpose of such programs is to strengthen the family unit and to promote positive parent-child relationships. Such programs may include, but are not limited to, programs to increase

parental knowledge about the social, emotional, physical, and cognitive development of young children; to increase parental skills in supporting their children's growth and development; to provide learning experiences for children and parents through the establishment of parent-child groups and/or home visits.

At least seventy-five per cent of the funds appropriated for grants awarded under this section shall be allocated to programs serving low income sites, as determined by the Board. Criteria for determining what constitutes a low income site shall include, but not be limited to, the same criteria which are used to qualify schools for chapter one of the federal Education Consolidation and Improvement Act of nineteen hundred eighty-one.

Proposals which describe linkages with other human service resource programs and which seek to combine a number of funding sources shall be given priority by the Board. Other agencies and programs may include, but are not limited to, local, state and federal programs, such as community mental health programs, adult education, drop-out prevention, comprehensive health education, and chapter one.

The Board shall establish guidelines governing the administration of this program.



IN THE YEAR ONE THOUSAND NINE HUNDRED
AND NINETY

AN ACT TO STRENGTHEN WORKFORCE LITERACY

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

H.125

SECTION 1. Chapter sixty-nine of the General Laws, as appearing in the nineteen hundred eighty-six Official Edition, is hereby amended by inserting after section thirty-six the following two sections:-

Section 37. The Department of Education in coordination with other state agencies shall develop a comprehensive system subject to appropriation for the delivery of adult basic education and literacy services that will ensure opportunities leading to universal basic adult literacy and better employment opportunities.

Said system shall be designed to strengthen, enhance, and where needed, to create intensive community based literacy programs for AFDC recipients and other unemployed and marginally employed adults who need a foundation of basic skills to qualify for further education, job training and employment. These trainees shall include parents of young children who need strong basic skills to move their families out of poverty and raise the educational aspirations of their children.

Said systems shall also include instruction for immigrants,

migrants, and refugees who need English language and literacy skills to function effectively at home and in the workplace.

Instruction to the aforesaid populations will emphasize instruction at the lowest grade levels.

Said system shall further include instruction for young persons, aged sixteen through twenty-four, who have dropped out of school without sufficient skills to qualify for employment. Instruction shall be designed with emphasis on linking education with vocational training and supported work.

Section 38. In order to accomplish the goals set out in section one of this act and to strengthen the capacity of the current adult literacy network, the Department of Education shall distribute grants to provide comprehensive literacy services, including support services, in the context of adults' daily lives in their communities, including, but not limited to, public housing, schools, the work place, correctional institutions, community-based organizations, community colleges, libraries, and in social and cultural organizations.

The department shall endeavor to develop the following objectives: (1) a full continuum of services that take an adult from the lowest level of literacy or English language proficiency through high school completion leading to advanced education and training; (2) a network of well-trained, full-time adult literacy and English as a second language professional instructors, qualified to provide high quality effective services; (3) a strong documentation and evaluation capacity that will enable the state to determine what methods of instruction and what means of service delivery are most effective in educating adults; (4) and coordinated accountability mechanisms that simplify existing reporting and refunding processes.



IN THE YEAR ONE THOUSAND NINE HUNDRED
AND NINETY

**AN ACT REQUIRING GRANDFATHERED
ENGLISH AS A SECOND LANGUAGE TEACHERS
TO MEET CURRENT CERTIFICATION
REQUIREMENTS**

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

H.126

SECTION 1. Section eight of chapter eight hundred forty-seven of the acts of nineteen hundred seventy-three, as most recently amended by chapter eight hundred sixty-five of the acts of nineteen hundred seventy-seven, is hereby further amended by adding the following sentence after the second sentence:-

Notwithstanding any general or special law to the contrary, effective January one, nineteen hundred ninety-four, no person shall be eligible to be employed by a school committee to teach English as a second language, unless that person meets the Board's standards for certification as a teacher of English as a second language under the Board's regulations for teacher certification which took effect September one, nineteen hundred eighty-two.

SECTION 2. All teachers of English as a second language who are employed by a school district to teach students of limited English proficiency on the effective date of this act and who do not meet the Board's standards for certification as a teacher of English as a second language under the Board's regulations for

teacher certification which took effect September one, nineteen hundred eighty-two, shall have a three-year period from the effective date of this act to obtain such certification.

SECTION 3. The Board of Education, subject to appropriation, shall establish a program for the purpose of providing grants to assist those teachers of English as a second language who are employed by a school district to teach students of limited English proficiency on the effective date of this act and who do not meet the Board's standards for certification as a teacher of English as a second language in obtaining the additional training in order to meet the requirements for certification as a teacher of English as a second language as set forth in the Board's regulations for teacher certification. Such grants shall be limited to the reimbursement of the tuition costs of those courses necessary for such teachers to obtain certification as a teacher of English as a second language. The Board of Education shall establish guidelines governing the administration of this program.



IN THE YEAR ONE THOUSAND NINE HUNDRED
AND NINETY

AN ACT TO INVESTIGATE USING EXTENDED SCHOOL YEAR PILOT PROGRAMS FOR AT-RISK STUDENTS

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

H.127

SECTION 1. Chapter fifteen of the General Laws, as appearing in the nineteen hundred eighty-six Official Edition, is hereby amended by inserting after section sixty-five the following section:-

Section 66. There is hereby established an Extended School Year Grant program for the purpose of funding a three-year pilot project for elementary schools in districts serving high numbers of students deficient in basic skills to determine whether extending the school year is an effective approach for meeting the needs of these students. The Board may, subject to appropriation, award grants to individual public elementary schools which agree to extend their school year by no more than forty days. The Board shall develop guidelines regarding grant selection criteria, program implementation, submission of data and evaluation. Data required to be submitted by participating schools shall include but not be limited to, class size, student and teacher absentee rates, parent, teacher and community satisfaction with the program and the annual costs for teacher salaries and benefits. All programs funded under the pilot shall be evaluated to determine the effect of an extended school year on the following: student academic achievement, absentee rates, and teacher salaries. The

department shall provide technical assistance to the schools selected to participate in the pilot.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED
AND NINETY

AN ACT EXTENDING CERTAIN DISCRETIONARY GRANTS OVER TWO YEARS

*Be it enacted by the Senate and House of Representatives
in General court assembled, and by the authority of the
same, as follows:*

H.128

SECTION 1. Section 37A of chapter seventy-one of the General Laws is hereby amended by adding at the end of the paragraph the following sentence:-

Notwithstanding any general or special law to the contrary the Board of Education may authorize a school committee to expend in the following fiscal year, any discretionary grant funds received from the Board that are not expended during the fiscal year in which they were appropriated so long as such expenditure is consistent with the original purpose of such grant.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED
AND NINETY

**AN ACT TO CLARIFY THE SPECIAL
EDUCATION APPEALS PROCESS**

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

H.129

SECTION 1. The thirteenth paragraph of section three of chapter 71B of the General Laws, as appearing in the nineteen hundred eighty-six Official Edition, is hereby eliminated.



IN THE YEAR ONE THOUSAND NINE HUNDRED
AND NINETY

AN ACT ALLOWING THE EMPLOYMENT OF REGIONALLY CERTIFIED TEACHERS

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

H.130

SECTION 1. Section 38G of chapter seventy-one of the General Laws as most recently amended by chapter one hundred eighty-eight of nineteen hundred eighty-five is hereby further amended by striking out the fifteenth paragraph and inserting in place thereof the following paragraph:-

This section shall not apply to trade, vocational, temporary substitute teachers, exchange teachers, regionally licensed or certified teachers or to teaching or administrative interns, provided approval for the employment of such personnel shall be granted by the board under such rules and regulations as it may adopt. As used in this section, a "temporary substitute" shall be one employed for less than a school year to take the place of a regularly employed teacher who is absent by reason of illness or by reason of education leave, maternity leave, military leave, sabbatical leave or other leave. As used in this section a "teaching or administrative intern" shall be a student who has completed his student teaching requirements and seeks additional experience in teaching or administrative positions. As used in this section a "regionally licensed or certified teacher" shall be an applicant for a teacher's certificate in Massachusetts who has been granted a regional license or certificate by another state

jurisdiction under terms of a contract entered into pursuant to chapter seven hundred forty-eight of the acts of nineteen hundred sixty-eight, the Interstate Agreement on Certification of Education Personnel.



IN THE YEAR ONE THOUSAND NINE HUNDRED
AND NINETY

**AN ACT PROVIDING FOR THE ENTRY OF THE
COMMONWEALTH INTO AN INTERSTATE
COMPACT FOR PENSION PORTABILITY FOR
EDUCATORS**

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

H.131

SECTION 1. The General Laws are hereby amended by inserting after chapter 32B the following chapter:-

Chapter 32C. Compact. The interstate compact with respect to pension portability for educators is hereby enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

Section 1. Finding. The parties to this compact find as follows:

(A) interstate mobility of professional employees of public schools serves the public interest by providing for a more flexible workforce that is better able to match jobs to employees, thereby helping to avoid shortages in particular geographic areas.

(B) interstate mobility of professional employees of public schools is impeded because such employees who move from one state to another generally suffer a substantial forfeiture of

earned pension benefits under the pension plans in which most of them participate.

(C) an agreement among the states to provide increased pension portability for the professional employees of public schools will reduce one of the major barriers to the interstate mobility of such employees.

Section 2. Definitions. As used in this compact, unless the context clearly indicates otherwise:

(A) a pension plan is “associated” with a state if the pension plan is maintained by the state or a political subdivision thereof;

(B) “educator” means an individual who is employed as a teacher or in another professional position by a public school;

(C) “eligible educator” means an educator who (1) accrues pensionable service in a pension plan associated with a state by reason of his or her employment by a public school in such state after this compact becomes effective; and (2) accrued at least one year of pensionable service in a pension plan associated with another state by reason of his or her employment by a public school in such state;

(D) “exporting plan” means a pension plan in which an eligible educator previously accrued, but is no longer accruing pensionable service, and from which the eligible educator has not received any pension benefits;

(E) “importing plan” means the pension plan in which an eligible educator presently is accruing pensionable service;

(F) “pensionable service” means a period of employment of an eligible educator by a public school which is included by a pension plan in calculating the pension benefits to which the eligible educator is entitled;

(G) “pension plan” means a plan, program, system, fund, or other operation that provides pension benefits to educators;

(H) “state” means a state of the United States, the District of Columbia, or any territory or possession of the United States

that is a party to this compact;

(I) "stipulated rate" means:

(1) for an exporting plan, the average annual yield on pension plan assets, net of administrative costs, experienced by the pension plan during the period from the first day of the fiscal year to which the contribution in question applies through the end of the fiscal year immediately preceding the date on which the money is either transferred from the exporting plan to the importing plan, or paid to the eligible educator, as the case may be; and

(2) for an importing plan, the average annual yield on pension plan assets experienced by the pension plan during the period from the first day of the fiscal year to which the contribution would have applied through the end of the fiscal year immediately preceding the date on which the money is transferred from the exporting plan to the importing plan.

Section 3. Procedures. Each state that is a party to this compact shall establish and maintain procedures adequate to effectuate the transfer of money and pensionable service from an exporting plan to an importing plan in accordance with the following provisions:

(A) at the request of an eligible educator who has complied with the application procedures of the states with which the exporting plan and importing plan are associated, the exporting plan shall transfer to the importing plan an amount of money that is equal to the lesser of the following two (2) sums:

(1) the local contributions made to the exporting plan by or on behalf of the eligible educator, plus interest calculated at the stipulated rate for the exporting plan; or

(2) the total contributions that would have been made to the importing plan by or on behalf of the eligible educator if the eligible educator had been accruing pensionable service in the importing plan for the entire period during which he or she was accruing pensionable service in the exporting plan, assuming employment at the same salary, plus interest calculated at the stipulated rate for the importing plan;

(B) upon receipt of the money transferred pursuant to section 3A, the importing plan shall credit the eligible educator with pensionable service in the importing plan as follows:

(1) when the amount of money transferred is the sum calculated pursuant to section 3A1, the importing plan shall, for purposes of vesting and date of eligibility to begin receiving pension benefits, credit the eligible educator with the amount of pensionable service that he or she accrued in the exporting plan. For purposes of the amount of the pension benefits to be received by the eligible educator, the importing plan shall credit the eligible educator with an amount of pensionable service calculated as follows:

(a) the amount of pensionable service that the eligible educator accrued in the exporting plan multiplied by

(b) a fraction, the numerator of which is the amount of money calculated under section 3A1, plus any supplementary payments made pursuant to section 3B2, and the denominator of which is the amount of money calculated under section 3A2;

(2) when the amount of money transferred to the importing plan on behalf of an eligible educator is the sum calculated under section 3A1, the eligible educator may elect to make supplementary payments to the importing plan up to the amount of the difference between the sum transferred and the sum calculated under section 3A2. Such supplementary payments may be made by the eligible educator in conjunction with the transfer of money from the exporting plan to the importing plan, or at any time thereafter before the eligible educator receives any pension benefits from the importing plan, provided that the monetary value of any supplementary payments made subsequent to the transfer of money from the exporting plan to the importing plan shall be adjusted, as determined by the actuary of the importing plan, to reflect the period elapsed between the date the money is transferred from the exporting plan and the date the supplementary payment is made;

(3) when the amount of money transferred is the sum calculated pursuant to section 3A2, the importing plan shall,

for purposes of vesting and date of eligibility to begin receiving pension benefits, and for purposes of the amount of the pension benefits to be received by the eligible educator, credit the eligible educator with the amount of pensionable service that the eligible educator accrued in the exporting plan;

(C) when the amount of money transferred from the exporting plan to the importing plan is the sum calculated pursuant to section 3A2, any money remaining to the credit of the eligible educator in the exporting plan shall be retained in the exporting plan and used as follows:

(1) for transfer to another importing plan at the request of the eligible educator in accordance with the terms of this compact;

(2) to pay pension benefits to the eligible educator if he or she again becomes a participant in the exporting plan; or

(3) if not used for purpose (1) or (2) above, for payment to the eligible educator, plus interest calculated at the stipulated rate for the exporting plan, when notification has been received from the eligible educator that he or she has begun to receive pension benefits from the importing plan;

(D) there shall be no limit on the number of transfers of money and pensionable service that an eligible educator may take from an exporting plan to an importing plan under this compact. In the case of a subsequent transfer, money previously transferred to an importing plan from an exporting plan shall for purpose of such subsequent transfer be considered "contributions made to the exporting plan by or on behalf of the eligible educator" within the meaning of section 3A1.

Section 4. Effective Date of Compact; Withdrawal from Compact.

(A) When two or more states enact statutes adopting this compact, it shall become effective in those states on the dates specified in such statutes. Any other state may thereafter become a party to this compact by enacting a statute adopting it, and the compact shall become effective in that state on the date specified in such statute.

(B) A party state may withdraw from this compact by repealing the statute adopting this compact, provided that no such withdrawal shall be effective until at least one (1) year after the governor of the withdrawing state has given written notice of the repeal of the statute adopting this compact to the governors of all other party states. The withdrawal of a party state shall not relieve any pension plan associated with such state of its obligation to pay to an eligible educator on whose behalf money and pensionable service has been transferred under this compact before the effective date of such withdrawal the pension benefits to which he or she is entitled under this compact.

Section 5. Other Arrangements Unaffected. Nothing contained in this compact shall be construed to prevent or inhibit states that are parties to this compact from entering into other arrangements, not inconsistent with the terms of this compact, to effectuate the purpose set forth in section one.

Section 6. Construction and Severability.

(A) This compact shall be liberally construed so as to effectuate the purpose set forth in section one.

(B) If any provision of this compact, or application thereof, is held by a state or federal court to be invalid with respect to a particular party state, said holding shall not affect the validity of such provision, or application thereof, in any other party state. The provisions of this compact shall be severable, and, as to the party state subject to the court holding, this compact shall in all other respects remain in full force and effect. If the party states that are not subject to the court holding believe that the provision of this compact, or application thereof, that has been declared invalid is not severable, they may, by majority vote, require the party state that is subject to the court holding to withdraw from this compact, in which event the withdrawal shall be effective immediately upon such vote, provided that the withdrawal shall not relieve any pension plan associated with such party state of its obligation to pay to an eligible educator on whose behalf money has been or is in the process of being transferred under this compact prior to the effective date of such withdrawal the pension benefits to which he or she is entitled under this compact.



ACME
BOOKBINDING CO., INC.

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